

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

Case No. 1:19-op-45278-DAP

Case No. 1:21-op-45080-DAP

MDL No. 2804

Hon. Dan Aaron Polster

**SETTLING DEFENDANTS' MOTION TO STAY FURTHER BRIEFING ON
SETTLING DEFENDANTS' MOTION TO DISMISS CLAIMS FILED BY NON-
PARTICIPATING GEORGIA SUBDIVISIONS AS BARRED BY STATUTE**

Settling Defendants respectfully request that the Court stay further briefing relating to Settling Defendants' Motion to Dismiss Claims Filed By Non-Participating Georgia Subdivisions As Barred By Statute¹ until twenty-one (21) days after the Georgia Supreme Court has issued an opinion on the questions certified by this Court's December 27, 2022 Order (Doc. No 4799) or twenty-one (21) days after the Georgia Supreme Court declines certification.

The reason for this stay request is manifest. The Court has concluded that certification is appropriate. In line with the Court's previous order extending the deadline on briefing until after the deadline for the Attorney General to intervene, it makes sense to allow Settling Defendants to await the Supreme Court's decision—whether it be a decision on the certified issue or a

¹ The relevant case captions are as follows: *The Hospital Authority of Wayne County, Georgia. v. Purdue Pharma L.P., et al.*, MDL Case No. 1:19-op-45278-DAP (N.D. Ohio Apr. 16, 2019); *Texarkana Independent School District et al v. Abbvie, Inc et al.*, MDL Case No. Case No. 1:21-op-45080-DAP (N.D. Ohio May 24, 2021).

declination—before filing its reply addressing issues including the merits of the constitutional argument. Accordingly, staying further briefing on this matter until after the questions certified to the Georgia Supreme Court are addressed is appropriate.

Dated: January 3, 2023

Respectfully submitted,

/s/ Robert A. Nicholas

Robert A. Nicholas
Shannon E. McClure
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Telephone: (215) 851-8100
Fax: (215) 851-1420
smcclure@reedsmith.com

Counsel for AmerisourceBergen Corporation

/s/ Enu A. Mainigi

Enu A. Mainigi
Jennifer G. Wicht
Steven Pyser
Ashley Hardin
WILLIAMS & CONNOLLY LLP
680 Maine Ave SW
Washington, DC 20024
(202) 434-5000 / tel.
(202) 434-5029/ fax
emainigi@wc.com

Attorneys for Defendant Cardinal Health, Inc.

/s/ Mark H. Lynch

Geoffrey E. Hobart
Mark H. Lynch
Christian J. Pistilli
COVINGTON & BURLING LLP
One CityCenter

850 Tenth Street NW
Washington, DC 20001
Tel: (202) 662-5281
ghobart@cov.com
mlynch@cov.com
cpistilli@cov.com

*Counsel for Defendant McKesson
Corporation*

/s/ Charles C. Lifland
Charles C. Lifland
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071
Tel: (213) 430-6000
Fax: (213) 430-6407
clifland@omm.com

*Counsel for Defendants Johnson & Johnson;
Janssen Pharmaceuticals, Inc.; Ortho-
McNeil-Janssen Pharmaceuticals, Inc. n/k/a
Janssen Pharmaceuticals, Inc.; and Janssen
Pharmaceutica, Inc. n/k/a Janssen
Pharmaceuticals, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on January 3, 2023, Settling Defendants' Motion to Stay Further Briefing on Settling Defendants' Motion To Dismiss Claims Filed By Non-Participating Georgia Subdivisions As Barred By Statute was served on all counsel of record via the CM/ECF system.

/s/ Robert A. Nicholas

Robert A. Nicholas